



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

AUG 17 2017

CERTIFIED MAIL 7017 1450 0000 7913 0063  
RETURN RECEIPT REQUESTED

The Honorable Michael Thurmond  
Chief Executive Officer  
DeKalb County Government  
1300 Commerce Drive, 6<sup>th</sup> Floor  
Decatur, Georgia 30030

Re: Information Request - Section 308 of the Clean Water Act  
Consent Decree, Civil Action No. 1:10-CV-04039-WSD  
National Pollutant Discharge Elimination System Permit Nos. GA0024147 and GA0026871:  
Snapfinger Creek Wastewater Treatment Facility and Pole Bridge Creek Wastewater Treatment  
Facility

Dear Mr. Thurmond:

Pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318, the U.S. Environmental Protection Agency Region 4 hereby requests DeKalb County (the County) to provide the information set forth below regarding the Wastewater Treatment Facility (WWTFs) noted above and their Wastewater Collection and Transmission System (WCTS). The County is required to respond to this information request within 30 days of its receipt of this letter. The response should be directed to:

Ms. Sara Janovitz, Enforcement Officer  
U.S. Environmental Protection Agency, Region 4  
NPDES Permitting and Enforcement Branch  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

The County's response should specifically reference the particular section of the request and should be organized for the purpose of clarity. In addition, all information submitted must be accompanied by the following certification signed by a responsible County official in accordance with 40 C.F.R. § 122.22:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to comply with this information request may result in enforcement proceedings under Section 309 of the CWA, 33 U.S.C. § 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for the falsification of any response to the requested information.

The County shall preserve, until further notice, all records (either written or electronic), which exist at the time of receipt of this letter that relate to any of the matters set forth in this letter. The term "records" shall be interpreted in the broadest sense to include information of every sort. The response to this information request shall include assurance that these record protection provisions were put in place as required. No such records shall be disposed of until written authorization is received from the Chief of the NPDES Permitting and Enforcement Branch at the U.S. EPA, Region 4.

If you believe that any of the requested information constitutes confidential business information, you may assert a confidentiality claim with respect to such information except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure B.

Please contact Ms. Janovitz at (404) 562-9870 or by email at [janovitz.sara@epa.gov](mailto:janovitz.sara@epa.gov), if you have questions regarding this notice and information request.

Sincerely,

A handwritten signature in blue ink, appearing to read "César A. Zapata", with a long horizontal flourish extending to the right.

César A. Zapata  
Deputy Director  
Water Protection Division

Enclosures

cc: See Attached Mailing List

**Mailing List:**

Mr. Thomas Mariani, Jr.  
United States Department of Justice

Ms. Valerie K. Mann  
United States Department of Justice

Mr. James Coots  
Georgia Department of Law

Mr. James Capp  
Georgia Environmental Protection Division

Mr. Lewis Hays  
Georgia Environmental Protection Division

Ms. Marzieh Shahbazaz  
Georgia Environmental Protection Division

Mr. Hsin-Sheng Yeh  
Georgia Environmental Protection Division

Ms. Overtis Brantley  
DeKalb County Law Department

Mr. E. Fitzgerald Veira  
Troutman Sanders LLP

Mr. Scott Towler  
DeKalb County Department of Watershed Management

## **ENCLOSURE A**

### **DeKalb County, Georgia**

1. Identify any areas likely to have sanitary sewer overflow (SSO) events using the System-Wide Flow and Rainfall Monitoring Program set forth in Paragraph 26 of the Consent Decree. Based on the analysis and results of this Program:
  - a. Identify by Sewershed, the areas with the least dry weather flow capacity.
  - b. What is the percentage of capacity in dry weather flow in the trunk lines of the Wastewater Collection and Transmission System or WCTS (as that term is defined in the Consent Decree) by Sewershed?
  - c. Identify by Sewershed, the areas with the least wet weather flow capacity.
  - d. What is the percentage of capacity in wet weather flow in the trunk lines of the WCTS by Sewershed?
2. Provide a copy of the contract and related scope of work documents the County used to hire CH2M to prepare the System-Wide Hydraulic Model pursuant to Paragraph 28 of the Consent Decree.
3. Provide the date when the System-Wide Hydraulic Model prepared by CH2M on behalf of the County was given to the County.
4. Provide all records (whether written or electronic) from CH2M documenting its submission of the System-Wide Hydraulic Model to the County since May 2016. Has CH2M revised, edited, or provided supplemental information to the System-Wide Hydraulic Model after its initial submission to the County? If so, when?
5. Provide all records (whether written or electronic) of the County's and/or its contractor's efforts to calibrate and verify the System-Wide Hydraulic Model using selected monitored storm events.
6. Provide all records (whether written or electronic) of "Model outputs and reports" as described in Section 1.5.5.1 of the County's January 2015 System-Wide Hydraulic Model Program.
7. Provide the WCTS capacity conclusions in the CH2M System-Wide Hydraulic Model.
8. Identify the dry and wet weather capacity-limited areas identified in the CH2M System-Wide Hydraulic Model. How much of the WCTS is capacity-limited, and which parts of the WCTS are capacity-limited? How much of this capacity-limited area is in the Initial and Additional Priority Areas (as those terms are defined in the Consent Decree)? Based on the results of the CH2M System-Wide Hydraulic Model:
  - a. Identify by Sewershed the areas with the least dry weather flow capacity?
  - b. What is the percentage of capacity in dry weather flow in the trunk lines of the WCTS by Sewershed?
  - c. Identify by Sewershed the areas with the least wet weather flow capacity?
  - d. What is the percentage of capacity in wet weather flow in the trunk lines of the WCTS by Sewershed?
9. Provide the date when the County provided the system-wide hydraulic model prepared by CH2M to Brown & Caldwell for review.

10. Provide all records (whether written or electronic) from Brown & Caldwell regarding its findings associated with its review of the System-Wide Hydraulic Model prepared by CH2M.
11. Provide a summary of the basic assumptions and input parameters for the System-Wide Hydraulic Model. How are these assumptions different from the standard inputs that were made in the initial System-Wide Hydraulic Model?
12. What, if any, work is outstanding regarding the System-Wide Hydraulic Model?
13. Provide a list of all new connections or increases in flow from existing sewer service connections to the County's WCTS that were authorized on or after January 1, 2016. In addition, provide copies of all letters or correspondence regarding the authorization of such connections.
14. Provide documentation of any certification of adequate collection, transmission, and treatment capacity that was made by a professional engineer licensed in the State of Georgia for the connections referenced in Question 13 above.
15. How does the County currently define "Adequate Collection Capacity," "Adequate Transmission Capacity," and "Adequate Treatment Capacity"? When were those definitions established? Prior to this date, how and when has the County defined these terms since entry of the Consent Decree?
16. Provide a copy of the power point presentation the County prepared and presented to the EPA and the Georgia Environmental Protection Division at the June 28, 2017 meeting among the parties.

## ENCLOSURE B

### RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS

(40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

40 C.F.R. §2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.